GOVERNMENT OF INDIA
RAILWAYS
LOK SABHA

UNSTARRED QUESTION NO:1614
ANSWERED ON:31.07.2003
SETTLEMENT OF COMPENSATION CLAIMS
DALPAT SINGH PARASTE

Will the Minister of RAILWAYS be pleased to state:

(a) The extent of amount as compensation is being paid by the Railways to the family of every person killed in a train accidents ;

(b) whether the Ministry limiting itself to making ex-gratia payments of Rs. One Lakh and leaving it to the bereaved families to knock on the doors of the Railway Claims Tribunal for their rightful dues;

(c) if so, the reaction of the Government in this regard;

(d) whether there is any law to decide the fact in case a person injured in a rail accident later dies, his/her family could claim the same amount; and

(e) if so, the clear-cut nature of the rule in this regard?

Answer

MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI BANDARU DATTATRAYA)

(a): The amount of compensation being paid by the Railways to the family of every person killed in a train accident is Rs.4 lakhs.

(b) & (c) : A statement is attached.

(d) & (e): Sub-rule 4 of rule 3 of the Railway Accidents and Untoward Incidents (Compensation) Amendment Rules, 1997 lays down that, where compensation has been paid for any injury which is less than the amount which would have been payable as compensation if the injured person had died and the person subsequently dies as a result of the injury, a further compensation equal to the difference between the amount payable for death and that already paid shall become payable.

STATEMENT REFERRED TO IN REPLY TO PARTS (b) & (c) OF THE UNSTARRED QUESTION NO.1614 BY SHRI DA SINGH PARSTE TO BE ANSWERED IN LOK SABHA ON 31.7.2003 REGARDING SETTLEMENT OF COMPENSATION CLAIMS.

(b) No, Sir. Ex-gratia is an emergent relief provided to the victims/families to take care of their immediate needs and is not counted towards award to be given by the Railway Claims Tribunal.

(c) (I) For claiming compensation for death/injury of rail passengers in train accidents, filing of claims in Railway Claims Tribunal is a statutory requirement. However, for ensuring expeditious settlement of claims filed by the dependants of those dead in train accidents, the following assistance is given to them by the Railways:-

Â§ An accident cell is set up under the Chief Claims Officer which monitors all cases of death, injury for providing relief .
Â§ Sample forms are distributed to the prospective claimants at accident sites and to the extent possible at their residences and assistance is provided to them for filing claims applications before Railway Claims Tribunal
Â§ Advertisements are inserted in newspapers giving a sample of claims application form and the procedure to be followed for filing claims application.
Â§ Railway administration liaise with the State Govt. for providing free legal aid to the prospective claimants.
Â§ Sleeper class cheque passes from the place of residence to the place of hearing and back are issued by Railway administration to the claimants, when attendance of the claimants is ordered by Railway Claims Tribunal.

(II) Railway Claims Tribunal (Procedure) Rules have been amended for speedysettlement of claims filed in Railway Claims Tribunal. The amendments provide for-

Â§ Facility for the claimant to file the claim for accident cases at where the claimant normally resides, originating station, destination station as against only at place of occurrence earlier.
Â§ Number of adjournments in each case restricted to three.
Â§ Railway Claims Tribunal to pronounce an order within 21 days after the date of final hearing.